

COMMENT SET 3: SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING, ELLEN CARROLL, ENVIRONMENTAL COORDINATOR



SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

January 14, 2007

Scott McFarlin, Environmental Scientist
California State Lands Commission
100 Howe Avenue, Ste. 100-South
Sacramento, CA 95825

RE: DEIR for AT&T Asia America Gateway Project (AAG) ; CSLC EIR No.: 745; CSLC Ref Files: W26237, R31106; State Clearinghouse #: 2007111029

Dear Mr. McFarlin,

We have reviewed the DEIR for the above mentioned project and submit the following comments. The County of San Luis Obispo maintains land use and coastal permit authority for the portions of the project from the Mean High Tide Line landward to the AT&T 03 Station. As such, the County is a Responsible Agency for purposes of this the project. 3-1

Pg. ES-2 The discussion of the past projects omits the Worldcom Development Plan/Coastal Development Permit (D970257D). This project was responsible for the installation of the shore-end subsurface conduit. Any activities that use these facilities are subject the conditions of approval for that project. This project is discussed on Pg. 2-2. 3-2

Pg. 1-6 Compliance with the Worldcom Development Plan/Coastal Development Permit (D970257D) conditions of approval for any activity occurring in Sandspit Parking Lot should be added. A copy of the conditions of approval can be provided upon request. 3-3

Pg.4.0-1 Agricultural Resources. In the past, the County Department of Agriculture has expressed a concern regarding the spread of invasive weed species as a result of construction vehicle access to different properties. While intensive agriculture is absent from much of the alignment, grazing and cattle raising does occur and could be affected by the spread of noxious weeds. It is unclear if the County Department of Agriculture was consulted regarding this issue in relation to the project, but this issue should be considered and mitigation measures included as necessary. 3-4

Pg. 4.3-99 MM TERBIO-2j – The term "crossing" is unclear and should be better defined. Is it the intent that this measure should be applied to every vehicle crossing the creek? 3-5

Pg. 4.6-21 MM WQ-1 – The County conditions of approval include the requirement to provide sedimentation and erosion control plans. The term "SWPPP" has specific statutory application and are not necessarily "approved". It is unclear if the project would trigger the threshold to implement the appropriate statute to require a SWPPP. The provision of sedimentation and erosion control measures and Best Management Practices seem to be appropriate and the wording of this mitigation measure should be revised if a SWPPP is not applicable. 3-6

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Pg. 4.8-15 Recreation. The EIR does not mention the existing applicable conditions of approval from the Worldcom Development Plan/Coastal Development Permit (D970257D). Specifically, conditions 50 and 51, should be considered in the discussion of the impact and mitigation. 3-7

In general, the DEIR recommends numerous additional mitigation measures applicable to the on-shore activities and segment of the project. Clearly, these portions of the project are within the jurisdiction of the County of San Luis Obispo and subject to existing conditions of approval. In most cases, the new measures appear to expand upon, or provide clarification of existing conditions of approval. The County did not identify any new mitigation measures that are in conflict with existing County conditions of approval. The County is willing to incorporate the additional clarifying measures into the application and enforcement of our existing conditions of approval. 3-8

The County conditions of approval require the retention of an Environmental Monitor to oversee activities in the field, and enforce the conditions of approval. While the Monitor interacts and works with the applicant during construction, the County retains the Monitor directly and the Monitor reports to the County. We noted that for many of the "new" on-shore mitigation measures, CSLC has identified itself as the Responsible Agency required to enforce these conditions. We are unsure as to what authority CSLC would have to enforce these measures and for many, there is overlap with existing County conditions of approval. The County is willing to implement the recommended measures under our existing land use permit authority and to include that these measures be enforced and monitored by the Environmental Monitor. 3-9

County staff is available to discuss previous project approvals, conditions and permit requirements. County staff contact regarding this project:

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Sincerely,

ELLEN CARROLL
Environmental Coordinator

**RESPONSE TO COMMENT SET 3: SAN LUIS OBISPO COUNTY DEPARTMENT OF
PLANNING AND BUILDING, ELLEN CARROLL, ENVIRONMENTAL COORDINATOR**

3-1 The DEIR Section 1.4, Permits, Approvals and Regulatory Requirements acknowledges the County of San Luis Obispo's Role as a Responsible Agency with the following statement. *Consultation and compliance regarding the existing land use permit previously issued by the San Luis Obispo County Department of Planning and Building in 1991 for the construction of the terrestrial cable conduit system, Sandspit Beach parking lot landing site, and installation of cables within the terrestrial cable conduit system.* The comment further defines the role of the County with respect to CEQA defined "Responsible Agencies" as identified in Section 15381 of the CEQA Guidelines as follows. *"Responsible Agency" means a public agency which proposes to carry out or approve a project, for which a "Lead Agency" is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the lead agency which have discretionary approval power over the project.*

3-2 The discussion on page ES-3 has been modified to include a reference to the WorldCom Development Plan/Coastal Development Permit (D970257D) conditions of approval. See Section 4.0, Revised Pages to the DEIR of this Final EIR.

3-3 The Final EIR text has been modified to include a reference to the WorldCom Development Plan/Coastal Development Permit (D970257D) conditions of approval. See Section 4.0, Revised Pages to the DEIR of this Final EIR.

3-4 As stated in Section 4.8, Land Use and Recreation, the portion of the cable alignment located within unincorporated County of San Luis Obispo is located within areas with land use designated as Agriculture and Rural Lands. As described in DEIR Section 4.3, Biological Resources, within the onshore corridor eight vegetative communities occur. Among these, two would be characteristic of grazing land, annual grassland and possibly ruderal/disturbed areas. The affected annual grassland consists of non-native annual grasses and forbs of primarily Mediterranean origin and is dominated by non-native grasses, native wildflowers, and weedy

1 annual forbs (broadleaf plants). Typical non-native grasses present
2 include wild oat (*Avena* sp.), soft chess (*Bromus hordeaceus*), red brome
3 (*Bromus madritensis* ssp. *rubens*), Italian rye grass (*Lolium multiflorum*),
4 and annual fescues (*Vulpia* sp.). Ruderal/Disturbed land areas are
5 dominated by highly adaptive and invasive species with few to no native
6 species present. Common species in ruderal habitats include veldt grass,
7 red brome, wild radish (*Raphanus sativus*), Russian thistle (*Salsola*
8 *iberica*), sweet fennel (*Foeniculum vulgare*), bull thistle (*Cirsium vulgare*),
9 prickly wild lettuce (*Lactuca serriola*), bur clover (*Medicago polymorpha*),
10 sweet horseweed (*Conyza canadensis*), and telegraph weed
11 (*Heterotheca grandiflora*). Ruderal habitats are present along portions of
12 the ROW and along access roads.

13 Mark Lee, Agricultural Biologist and invasive plant specialist with the
14 County of San Luis Obispo Department of Agriculture was consulted in
15 response to this comment. It was Mr. Lee's opinion that the project has
16 the potential to result in an adverse impact to agricultural land as a result
17 of the introduction of additional non-native species that may be dispersed
18 by construction equipment that comes from outside of San Luis Obispo
19 County. Two examples of problematic plants that may be introduced that
20 are harmful to grazing are medusa's head (*Taeniatherum caput-*
21 *medusae*) and jointed goat grass (*Aegilops triuncialis*). However,
22 because of the existing presence of non-native and invasive species
23 within the project areas as described above, the introduction of weed
24 seeds into the project area from construction equipment is not anticipated
25 to result in a significant impact to grazing land.

26 The discussion above has been summarized, and recommended
27 mitigation measures added to the text of Section 4.0, Introduction to
28 Environmental Analysis, page 4.0-1 as presented in Section 4.0, Revised
29 Pages to the DEIR of this Final EIR. The Mitigation Measure TERBIO-3d
30 has been added to Section 4.3, Biological Resources to address this
31 potential impact.

32 3-5 It is not the intent of Mitigation Measure (MM) TERBIO-2j to require pre-
33 activity surveys prior to every vehicle crossing the creek. Rather, the
34 intent of MM TERBIO-2j is to ensure that special-status species surveys
35 will be completed prior to the use of the designated crossings within Los

Osos Creek by construction related equipment on a daily basis. Specifically, the subject surveys should be completed prior to construction and/or mobilization of equipment through the creek crossing(s) for each day that the designated crossings would be required during the duration of the project. Please note that the frequency of special-status species surveys within Los Osos Creek should be increased at the discretion of the approved biologist to account for increased special-status species activity and/or occurrences. As such, MM TERBIO-2j has been modified accordingly for clarification purposes. See revisions to text in Section 4.0 of this Final EIR.

3-6 Mitigation Measure WQ-1 in Section 4.7, Hydrology and Water Quality, has been modified to add the County's requirement for submittal of an Erosion and Sedimentation Control Plan for review and approval by the County Planning and Building Department. The measure also has been revised to clarify the applicability of a Storm Water Pollution Prevention Plan. See revisions to text in Section 4.0 of this Final EIR.

3-7 The WorldCom Development Plan/Coastal Development Permit conditions of approval have been added to Section 4.8, Land Use and Recreation impact discussion under Impact REC-1. See revisions to text in Section 4.0 of this Final EIR.

3-8 Comment noted. The intent of the additional mitigation measures, including MM TERBIO-2j discussed above was to complement the existing County Conditions of Approval and ensure that all identified potential impacts would be mitigated to a level of less than significant.

3-9 Comment noted. The CSLC, as the lead CEQA agency, is responsible for the implementation for mitigation measures included in the EIR. The CSLC recognizes the County's jurisdiction and oversight authority for implementation of mitigation measures associated with the onshore portion of the project and will work closely with the County of San Luis Obispo to ensure that mitigation measures included in the EIR are implemented effectively through the project's Mitigation Monitoring and Reporting Program.

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